

New Trial For Bremer Is Denied

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As the jurors who convicted Arthur H. Bremer sat silently and watched, Prince George's Circuit Court Judge Ralph W. Powers yesterday denied a motion for a new trial for the would-be assassin of Alabama Gov. George C. Wallace.

Bremer was not present in the courtroom. He is at the Maryland State Penitentiary in Baltimore, beginning a 63-year prison term following his conviction Aug. 4 of shooting Wallace and three other persons.

Bremer's attorney, Benjamin Lipsitz, told the judge yesterday he wanted to call each of the jurors to the witness stand to demonstrate that they were prejudiced against Bremer before the one-week trial began in late July.

Lipsitz argued that any juror who saw on television the dramatic CBS film of the May 15 Wallace shooting in a Laurel, Md., shopping center should have been disqualified. The film, which was shown to the jury during the trial, was the state's most important piece of evidence against Bremer.

Powers dismissed the argument, saying that a defendant "can't blame anyone but himself" if he decides to shoot someone in the full glare of national television coverage.

"Anyone who can set and hear would see the film," said the judge, noting the pervasiveness of television in the modern age.

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Powers reiterated his view—stated several times before and during the trial—that despite pretrial publicity of major crimes, unprejudiced juries can still be found.

Since the jury was shown the film during the trial anyway, there was "nothing prejudicial" in merely having seen it beforehand, the judge said. On the other hand, he said, if the film had not been admitted as evidence in the trial because it had been "considered prejudicial," then there would be some sense in excluding jurors who had seen it before on television.

Powers also dismissed arguments that his instructions to the jury were wrong in some respects, that the jury "ignored" certain key psychiatric testimony, and that the "weight of evidence" at the trial was against the jury's verdict.

Powers said juries are supposed to choose between competing presentations of evidence. Defending the Bremer jury, he said they offered "a classic example of a jury's basic function."

The independence of a jury is so important, Powers said, that a juror could be "drunk and not know what he was doing" without impeaching the legal validity of a verdict.

The jurors sat impassively through the half hour of arguments, then laughed and joked with one another afterwards.

"I saw the film a couple of times," said jury foreman Vincent M. Telli, recalling how he had been reading a newspaper at home when he glanced up to see the film on his television set.

"I assume the other jurors saw it," he added.

Another juror, Jack Goldinher, said he had never seen the film or a picture of Bremer until he went into the courtroom.

Jimmy Patterson, a juror with a long, brown beard, said he saw the film shortly after the Wallace shooting.

"To tell the truth, I didn't pay that much attention," he said.

Lipsitz, who chatted with some of the jurors after the hearing, said he will appeal Bremer's conviction to the Maryland Court of Special Appeals. Bremer still faces federal charges growing out of the Wallace shooting, but federal officials have not decided whether they will bring him to trial.